

**WEDNESDAY, APRIL 7, 1999**  
**SEVENTH LEGISLATIVE DAY**  
**FIRST EXTRAORDINARY SESSION**

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative Beavers.

Representative Beavers led the House in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present.....97

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

**EXCUSED**

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative McAfee; illness.

Representative McMillan; personal reasons.

**PERSONAL ORDERS**

**RECOGNITION IN THE WELL**

Rep. Ford was recognized in the Well to introduce the 1998 American Little League All-Stars.

## RULES SUSPENDED

Rep. Ford moved that the rules be suspended for the purpose of introducing **House Joint Resolution No. 22** out of order, which motion prevailed.

**House Joint Resolution No. 22** -- Memorials, Sports - 1998 American Little League All-Stars. by \*Ford S.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Ford, with the request that all members voting aye be added as sponsors, the resolution was adopted by the following vote:

Ayes .....96  
Noes .....0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

## RECOGNITION IN THE WELL

Rep. Cooper was recognized in the Well to introduce the 1998-1999 Carver High School boys' basketball team, TSSAA Class AA state champions.

## RULES SUSPENDED

Rep. Cooper moved that the rules be suspended for the purpose of introducing House Resolution No. 10 out of order, which motion prevailed.

**House Resolution No. 10** -- Memorials, Sports - 1998-1999 Carver High School boys' basketball team, TSSAA Class AA state champions. by \*Cooper B.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Cooper, the resolution was adopted.

A motion to reconsider was tabled.

### CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

### RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for April 8, 1999:

**House Resolution No. 9** -- Memorials, Retirement - Charles Clinard. by \*Harwell.

**House Resolution No. 11** -- Memorials, Retirement - Dr. John S. Gaines. by \*Mumpower.

**House Resolution No. 12** -- Memorials, Public Service - Ashley Miner, Prudential Spirit of Community Award, Distinguished Finalist. by \*Rhinehart, \*Curtiss.

**House Resolution No. 13** -- Memorials, Personal Occasion - Carol Cook. by \*Beavers, \*Hood, \*Eckles.

**House Joint Resolution No. 25** -- Memorials, Death - James Estep, Sr. by \*Goins.

**House Joint Resolution No. 26** -- Memorials, Professional Achievement - John Earl Wells, 1998-1999 National Distinguished Principal, Tennessee Association of Elementary and Middle School Principals. by \*Naifeh.

**House Joint Resolution No. 27** -- Memorials, Professional Achievement - Grant Shipley, Principal of the Year. by \*Naifeh, \*Hargett.

**House Joint Resolution No. 28** -- Memorials, Recognition and Thanks - Ms. Dean Shoaf and Covington Elementary School, 1998-99 Blue Cross Blue Shield of Tennessee WellKid Competition, second place. by \*Naifeh.

**House Joint Resolution No. 29** -- Memorials, Heroism - Charles Beall. by \*Hargett.

**House Joint Resolution No. 30** -- Memorials, Public Service - St. Peter Manor, 20th anniversary. by \*DeBerry J, \*Armstrong, \*Towns, \*Brown, \*Brooks, \*Bowers, \*Cooper B, \*Chumney.

### HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

**\*House Bill No. 40** -- Taxes -- House Government Operations Committee

**\*House Bill No. 41** -- Taxes -- House Government Operations Committee

- \*House Bill No. 42** -- Taxes, Privilege -- House Government Operations Committee
- House Bill No. 43** -- Taxes, Excise -- House Finance, Ways & Means Committee
- \*House Bill No. 44** -- Taxes, Income -- House Finance, Ways & Means Committee
- \*House Bill No. 45** -- Taxes, Income -- House Government Operations Committee
- \*House Bill No. 46** -- Insurance, Health, Accident -- House Finance, Ways & Means Committee
- House Bill No. 47** -- Taxes, Franchise -- House Finance, Ways & Means Committee
- \*House Bill No. 48** -- Taxes, Exemption -- House State and Local Government Committee
- \*House Bill No. 49** -- Managed Care Organizations -- House Finance, Ways & Means Committee
- \*House Bill No. 50** -- Taxes, Privilege -- House Finance, Ways & Means Committee
- House Bill No. 51** -- Hospitals and Health Care Facilities -- House Finance, Ways & Means Committee
- House Bill No. 52** -- Taxes, Exemption -- House State and Local Government Committee
- \*House Bill No. 53** -- Taxes, Excise -- House Government Operations Committee
- \*House Bill No. 54** -- Constitutional Conventions -- House State and Local Government Committee
- \*House Bill No. 55** -- Taxes, Alcoholic Beverages -- Caption Bills Held on Desk
- \*House Bill No. 56** -- Railroads -- Caption Bills Held on Desk
- \*House Bill No. 57** -- Fees -- Caption Bills Held on Desk
- \*House Bill No. 58** -- Fees -- Caption Bills Held on Desk
- \*House Bill No. 59** -- Game and Fish Laws -- Caption Bills Held on Desk
- \*House Bill No. 60** -- Fees -- Caption Bills Held on Desk
- \*House Bill No. 61** -- Public Funds and Financing -- Caption Bills Held on Desk
- \*House Bill No. 62** -- Banks and Financial Institutions -- Caption Bills Held on Desk
- \*House Bill No. 63** -- Taxes, Excise -- Caption Bills Held on Desk

**\*House Bill No. 64** -- Hospitals and Health Care Facilities -- Caption Bills Held on Desk

**\*House Bill No. 65** -- Taxes, Sales -- Caption Bills Held on Desk

**\*House Bill No. 66** -- Utilities, Utility Districts -- Caption Bills Held on Desk

**\*House Bill No. 67** -- Trademarks and Trade Names -- Caption Bills Held on Desk

**\*House Bill No. 68** -- Fees -- Caption Bills Held on Desk

**\*House Bill No. 69** -- Hotels and Restaurants -- Caption Bills Held on Desk

**\*House Bill No. 70** -- Taxes, Privilege -- Caption Bills Held on Desk

**\*House Bill No. 71** -- Taxes, Sales -- Caption Bills Held on Desk

**\*House Bill No. 72** -- Food and Food Products -- Caption Bills Held on Desk

**\*House Bill No. 73** -- Taxes, Sales -- Caption Bills Held on Desk

**\*House Bill No. 74** -- Tobacco, Tobacco Products -- Caption Bills Held on Desk

**\*House Bill No. 75** -- Taxes, Excise -- Caption Bills Held on Desk

**\*House Bill No. 76** -- Public Funds and Financing -- Caption Bills Held on Desk

**\*House Bill No. 77** -- Insurance Companies, Agents, Brokers, Policies -- Caption Bills Held on Desk

**\*House Bill No. 78** -- Taxes, Gasoline, Petroleum Products -- Caption Bills Held on Desk

**\*House Bill No. 79** -- Hospitals and Health Care Facilities -- Caption Bills Held on Desk

**\*House Bill No. 80** -- Taxes, Franchise -- Caption Bills Held on Desk

**\*House Bill No. 81** -- Taxes, Excise -- Caption Bills Held on Desk

**\*House Bill No. 82** -- Tattoo Parlors and Piercing Establishments -- Caption Bills Held on Desk

**\*House Bill No. 83** -- Solid Waste Disposal -- Caption Bills Held on Desk

**\*House Bill No. 84** -- Safety -- Caption Bills Held on Desk

**\*House Bill No. 85** -- Taxes, Privilege -- House Government Operations Committee

**\*House Bill No. 86** -- Taxes, Exemption -- House Finance, Ways & Means Committee

**House Bill No. 87** -- Taxes -- House Education Committee

**House Bill No. 88** -- Taxes, Income -- House Finance, Ways & Means Committee

**House Bill No. 89** -- Taxes, Sales -- House Finance, Ways & Means Committee

**House Bill No. 90** -- Taxes, Franchise -- House Government Operations Committee

**\*House Bill No. 91** -- Unemployment Compensation -- House Government Operations Committee

**House Bill No. 92** -- Taxes -- House Finance, Ways & Means Committee

### CONSENT CALENDAR

**House Joint Resolution No. 23** -- Memorials, Recognition and Thanks - WMOT, 30 years of public broadcasting. by \*Hood, \*Eckles.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes .....	96
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**UNFINISHED BUSINESS**

**RULES SUSPENDED**

Rep. Baird moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 24 out of order, which motion prevailed.

**House Joint Resolution No. 24** -- Memorials, Personal Occasion - Robert and Ruth Sharp, 50th Wedding Anniversary. by \*Baird, \*Goins.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Baird, the resolution was adopted.

A motion to reconsider was tabled.

**SIGNED**

**April 7, 1999**

The Speaker signed the following: Senate Joint Resolution(s) No(s). 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 29, 31, 36, and 37.

**ENGROSSED BILLS**

**April 7, 1999**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 22, 23, and 24.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR**

**April 7, 1999**

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 10 and 15, with his approval.

COURTNEY PEARRE, Counsel to the Governor.

**REPORT OF CHIEF ENGROSSING CLERK**

**April 7, 1999**

The following bill(s) have been transmitted to the Governor for his action: House Joint Resolution(s) No(s). 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 14, and 16.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**April 7, 1999**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 13 and 24; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 7, 1999**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 28, 30 and 38; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**Senate Joint Resolution No. 28** -- Memorials, Retirement - F.H. "Hack" Harbin. by \*Atchley, \*McNally, \*Burchett.

**Senate Joint Resolution No. 30** -- Memorials, Sports - 1998-1999 Moore County High School boys' basketball team, TSSAA Class A state champions. by \*Cooper.

**Senate Joint Resolution No. 38** -- Memorials, Recognition and Thanks - Fairfield Church of Christ, 50th Anniversary. by \*Springer.

**ROLL CALL**

The roll call was taken with the following results:

Present.....95

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

**RECESS MOTION**

On motion of Rep. Hargrove, the House recessed until 9:00 a.m., Thursday, April 8, 1999.